



JW
DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: NORBERT MILLER)
Serial No.: 09/769,829) Group Art Unit: 3629
Filed: JAN. 24, 2001) Examiner: Fisher, M.J.
For: METHOD FOR THE AUTOMATION OF) Petitions Examiner:
ALLOCATION PROCESSES FOR) Brinkley, S.D.
PRODUCTS AND/OR SERVICES) Confirmation No. 5180

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA on	
08 OCT. 2009	
(Date of Deposit)	
Daniel Drexler	
(Name of Person Mailing Paper)	
Signature	Date
Dan Drexler	08 OCT 09

Sir:

This paper is filed in reply to the Decision of the Office issued 08 April 2009 dismissing the 'Petition for Revival of an Application Abandoned Unintentionally' filed by Applicant on 02 February 2009. Herein, Applicant requests reconsideration and reversal of the Decision based upon further evidence of unintentionality provided herewith.

In the Decision, the Office has requested additional information surrounding (1) the delay in reply that originally resulted in the abandonment; and (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application.

The delay at issue occurred wholly unintentionally due to a postal non-delivery of a communication between Applicant's undersigned U.S. representative and Applicant's German representative and, further, due to the non-receipt of the Notice of Abandonment by Applicant's U.S. representative. Relevant details now follow.

On 29 November 2005, Applicant's U.S. representative sent a report to Applicant's German representative regarding the Notice of Appeal filed 25 October 2005 and advising of the applicable deadlines. A copy of this communication is provided at Exhibit 1. This report was not received by Applicant's German representative, as evidenced by communication therefrom on 21 April 2008 to Applicant's U.S. representative, said communication being provided herewith at Exhibit 2. Miscommunication of instructions ensued, and a reply was not filed.

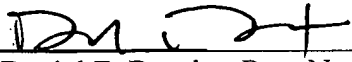
The Notice of Abandonment was issued by the Office on 19 June 2006 but was not received by Applicant's U.S. representatives and thus not provided to Applicant nor Applicant's German representative. As evidence of non-receipt, Exhibit 3 includes a copy of Applicant's U.S. representatives' file jacket and docket report. Both of these show the last correspondence with the USPTO as being the Notice of Appeal filed 25 October 2005. The file jacket is left blank where it would have included details regarding receipt of the Notice of Abandonment (see lower-right column). Similarly, the docket report concludes with the Notice of Appeal and provides no details of the Notice of Abandonment.

Accordingly, neither Applicant, nor Applicant's U.S. nor German representatives, were aware of the Notice of abandonment until a file inspection was prompted by the communication from Applicant's German representative enclosed at Exhibit 2. Thereafter, Applicant and Applicant's U.S. and German representatives reviewed the file in detail, consulted regarding the outstanding rejections and the relied-upon prior art, and then drafted, prepared and filed on 02 February 2009 the Petition for Revival, Request for Continued Examination, and the Response to Office Action.

None of the delay associated with the submission of 02 February 2009 resulted from a deliberately chosen course of action on the part of Applicant nor on the part of Applicant's U.S. or German representatives. To the contrary, the entire delay in filing the required reply, from the original due date until the filing of the petition of 02 February 2009, was unintentional. Thus, reconsideration and reversal of the Decision on Petition is respectfully requested.

If there are any charges with respect to this filing, or otherwise concerning the instant application, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys. Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time necessary for entry and consideration of the present reply. The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,
CANTOR COLBURN LLP

By: 
Daniel F. Drexler, Reg. No. 47535
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Tel: 860-286-2929
Fax: 860-286-0115
Customer No. 23413

Date: 08 OCT. 2009

EXHIBIT 1
RENEWED PETITION
USSN 09/769,829



Cantor Colburn LLP

Intellectual Property Attorneys

Daniel F. Drexler
ddrexler@cantorcolburn.com

November 29, 2005

VIA AIRMAIL

ATLANTA
1170 Peachtree Street
Suite 750
Atlanta, GA 30309
phone: 404-607-9991
fax: 404-607-9981

STENGER, WATZKE & RING
Patentanwalte
Kaiser-Friedrich-Ring 70
D-40547 Düsseldorf
GERMANY

HARTFORD
55 Griffin Road South
Bloomfield, CT 06002
phone: 860-286-2929
fax: 860-286-0115

Re: U.S. Patent Application Serial No. 09/769,829
For: METHOD FOR THE AUTOMATION OF ALLOCATION
PROCESSES FOR PRODUCTS AND/OR SERVICES
Your Reference No: 00-1460; Our Reference No: SWR-0037

DETROIT
201 W. Big Beaver Road
Suite 370
Troy, MI 48084
phone: 248-524-2300
fax: 248-524-2700

Dear Sirs:

Further to our report of October 25, 2005, enclosed is a copy of the Notice of Appeal and Petition for Extension of Time filed in the U.S. Patent and Trademark Office on that same date.

Also enclosed is a copy of a letter from our translation contractor. As set forth in the letter, the disputed translation has been reviewed by the original translator and by an independent second translator. Both feel the translation is true to the original German text.

Please advise regarding how your client would like to proceed with this application. The first response deadline with respect to the Notice of Appeal is December 25, 2005. Five one-month extensions of time are available, making the ultimate deadline May 25, 2006. On or before these response deadlines, your client may file an Appeal Brief contesting the examiner's rejections, a Request for Continued Examination in order to recommence substantive examination, or a Continuation application to pursue different claims and/or to add new subject matter. Failure to respond by the cited ultimate deadline will result in abandonment of the application. If we do not receive your positive response instructions, we will not file a response and thus allow this application to lapse.

Thank you for entrusting us with this matter and please contact us if we may be of further assistance.

Very truly yours,

Daniel F. Drexler
DFD/jl
Enclosures

www.cantorcolburn.com

EXHIBIT 2
RENEWED PETITION
USSN 09/769,829

Fax confirmation

via telefax in advance: 001860 - 286 0115

Cantor Colburn LLP
Intellectual Property Attorneys
20 Church Street, 22nd floor

Hartford, Connecticut 06103-3207
USA

Unser Zeichen
Our Ref.
00-1460

Ihr Zeichen
Your Ref.
SWR-0037

Datum
April 21, 2008

RS/MR

US-Patent Application 09/769829
Scheidt & Bachmann Gesellschaft mit beschränkter Haftung

Dear Sirs:

concerning the above mentioned US-patent application, the latest correspondence is dated **October 25, 2005.**

This was your last report announcing to forward the revised English translation of the German documents for our review because the first English translation had led to objections by the examiner and to the advisory action, in the end.

Furthermore, you had been instructed to file a CPA with our letter of October 19, 2005. You confirmed this instruction with your October 25, 2005 letter.

Last but not least, you announced with the same letter to file a notice of appeal due to the advisory action. The deadline for filing the notice of appeal was October 25, 2005.

First of all, we have not received the revised English translation up to date. Secondly, we have not received the documents concerning the CPA. Thirdly, we have not received the documents concerning the notice of appeal.

Stenger Watzke Ring
Am Seestern 8
D-40547 Düsseldorf

Dipl.-Ing.
■ Michael Rausch

Dipl.-Ing.
■ Axel Wanischek-Bergmann

Dipl.-Ing.
■ Stefan Brinkmann

Dipl.-Chem.
■ Dr. Uwe Albersmeyer

■ Patentanwalt
■ European Patent Attorney

Fon: 0049 (0) 211 57 21 31
Fax: 0049 (0) 211 58 82 25
Mail: info@stewari.de
Web: www.stewari.de

BHF-Bank AG, Frankfurt
BLZ 500 202 00
Konto 40 113 276
IBAN DE09500202000040113276
SWIFT BHFBBDEF

Stadt-Sparkasse, Düsseldorf
BLZ 300 501 10
Konto 10 0907 69
IBAN DE79 3005 0110 0010 0907 69
SWIFT DUSSDE33XXX

USt.-Id.-Nr. DE171883958

EXHIBIT 3
RENEWED PETITION
USSN 09/769,829

Patent No.

Granted

Applicant Norbert Miller, Markus Schneider

Ser. No. 09/769,829

Group 2166

Filed 1/24/2001

Room

For Method for the Automation of Allocation Processes for Products and/or Services

Drawings 1 Sheets. Executed

Forwarded

Allowed

Allowance Notice Sent

Final Fee Sent

Receipt for Final Fee

Patent Delivered to

Assignee Scheidt & Bachmann GmbH, Breite Strasse 132, D-41238 Monchengladbach, Fed Rep Germany

Assignment Forwarded 6/1/01

Recorded 6/7/01

Reel 011866 Frame 072

Assignment Returned 8/22/01

Delivered Assignee

Foreign

124/01 Specification, transmitted
105 PTO 1449

9/9/04 - office action
12/9/04 Response PTOA

4/3/01 - Notice to File Missing Parts

4/25/05 - final OA

6/1/01 Declaration

8/25/05 - Comb. Amend + Pet. for Ext Time
Amend; Cert of Fax; Fee

Assignment Claim for Priority

9/15/05 - Advisory Action

10/25/05 - Notice of Appeal

6/27/01 - request for corrected filing receipt

8/10/04 - office action

05/10/04 AMEND: COPY OF PREVIOUSLY SUBMITTED CLAIM FOR PRIORITY. COPY OF RETURN RECEIPT POST CARD STAMPED BY PTO. CERT. ENGLISH TRANS. OF PROGRAM DOC, CERT. OF MAIL, POST CARD

Applicant's Residence

Case Detail Report

Client SWR STENGER, WATZKE & RING
Matter SWR0037US Method for the Automation of Allocation Processes for Produc

Case type: 01

Matter Dates		Critical Dates		Assignments		
Start Date	01/09/2001	Date of Incident	01/09/2001	Init Atty	103	Cantor, Michael A.
Activity Closed		SOL	01/09/2001	Bill Atty	143	Drexler, Daniel F.
Closed				Resp Atty	143	Drexler, Daniel F.

Billing Information			
Client Information			
SWR	STENGER, WATZKE & RING	00490211572131	
Bill Address			
	Am Seestern 8		
	DUSSELDORF, D-40547		

Docket Information					
Status	Date	From	To	Description	Assignments
Complete	1/24/2000			First Filed Date	143
Complete	7/24/2000			Reminder: Foreign Filing - Foreign Filing Reminder	143
Complete	1/24/2001			Filed Date	143
Complete	1/24/2001			Due Date: Foreign Filing - Foreign Filing Due	143
Complete	4/24/2001			Due Date: Information Disclosure Stmtnt - Information Disclosure Stmtnt	143
Complete	6/3/2001			Due Date: US-Missing Parts - Missing Parts Due Date	143
Complete	7/3/2001			Due Date: US-Missing Parts - 1st Extension	143
Complete	7/24/2001			Due Date: Foreign Filing - Foreign Filing Reminder	143
Complete	8/3/2001			Due Date: US-Missing Parts - 2nd Extension	143
Complete	9/3/2001			Due Date: US-Missing Parts - 3rd Extension	143
Complete	10/3/2001			Due Date: US-Missing Parts - 4th Extension	143
Complete	1/17/2002			Publication Date	143
Complete	1/24/2002			Final: Foreign Filing - Foreign Filing Due	143
Complete	7/24/2002			Due Date: Application Status Check - Application Status Check	143
Complete	5/10/2004			Due Date: US-3 Month Office Action - 3 Month Due Date	143
Complete	6/10/2004			Due Date: US-3 Month Office Action - 3 Month w/1st Ext.	143
Complete	7/10/2004				143

Case Detail Report

Client **SWR** **STENGER, WATZKE & RING**
Matter **SWR0037US** **Method for the Automation of Allocation Processes for Produc**

Case type: 01

		Due Date: US-3 Month Office Action - 3 Month w/2nd Ext.	
Complete	8/10/2004	Due Date: US-3 Month Office Action - 3 Month w/3rd Ext.	143
Complete	12/9/2004	Due Date: US-3 Month Office Action - 3 Month Due Date	143
Complete	1/9/2005	Due Date: US-3 Month Office Action - 3 Month w/1st Ext.	143
Complete	2/9/2005	Due Date: US-3 Month Office Action - 3 Month w/2nd Ext.	143
Complete	3/9/2005	Due Date: US-3 Month Office Action - 3 Month w/3rd Ext.	143
Complete	6/25/2005	Due Date: US-Final Office Action - 2 Month Expedited Date	143
Complete	7/25/2005	Due Date: US-Final Office Action - 3 Month Final Due Date	143
Complete	7/25/2005	Due Date: US-Notice of Appeal - Notice of Appeal Due	143
Complete	8/25/2005	Due Date: US-Final Office Action - Final w/1st Ext.	143
Complete	8/25/2005	Due Date: US-Notice of Appeal - Notice of Appeal w/1st Ext.	143
Complete	9/25/2005	Due Date: US-Final Office Action - Final w/2nd Ext.	143
Complete	9/25/2005	Due Date: US-Notice of Appeal - Notice of Appeal w/2nd Ext.	143
Complete	10/25/2005	Final: US-Final Office Action - Final w/3rd Ext.	143
Complete	10/25/2005	Final: US-Notice of Appeal - Notice of Appeal w/3rd Ext.	143
Complete	12/25/2005	Due Date: US-Appeal Brief - Appeal Brief Due	143
Complete	1/25/2006	Due Date: US-Appeal Brief - Appeal Brief w/1st Ext.	143
Complete	2/25/2006	Due Date: US-Appeal Brief - Appeal Brief w/2nd Ext.	143
Complete	3/25/2006	Due Date: US-Appeal Brief - Appeal Brief w/3rd Ext.	143
Complete	4/25/2006	Due Date: US-Appeal Brief - Appeal Brief w/4th Ext.	143
Complete	5/25/2006	Due Date: US-Appeal Brief - Appeal Brief w/5th Ext.	143

Party Information

Name and Address

Phone Numbers

Remarks

INVENTOR FIRST NAMED

Norbert Miller

INVENTOR

Markus Schneider

Case Detail Report

Client **SWR** **STENGER, WATZKE & RING**
Matter **SWR0037US** **Method for the Automation of Allocation Processes for Produc**

Case type: 01

OWNER

Scheidt & Bachmann GmbH
Breite StraBe 132
Monchengladbach, DE-41238